

APHC010117632023



**IN THE HIGH COURT OF ANDHRA
PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3208]

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 5936/2023

Between:

1. DINDI SATYANARAYANA, S/O. SRI RAMANA, AGED 39 YEARS OCC. RSI (APSP) UNDER TRAINING R/O.D.NO.9-3-68/1, HIGH SCHOOL ROAD, PENTAIHANNAGAR, GAZUWAKA, VISAKHAPATNAM DISTRICT, ANDHRA PRADESH

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE STATE LEVEL POLICE RECRUITMENT BOARD, REP BY ITS CHAIRMAN, A.P, MANGALAGIRI, GUNTUR DISTRICT.

3. THE DIRECTOR GENERAL OF POLICE, ANDHRA PRADESH, MANGALAGIRI, GUNTUR DISTRICT.

4. ANIMI RAMAKRISHNA, S/O AND AGE NOT KNOWN TO THE PETITIONER OCC. RESERVE SUB-INSPECTOR OF POLICE (APSP), 15TH BN., VISAKHAPATNAM,

VISAKHAPATNAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

1.PAMARTHI KAMESWARA RAO

Counsel for the Respondent(S):

1.GP FOR SERVICES I

The Court made the following:

THE HONOURABLE SRI JUSTICE D.RAMESH**WRIT PETITION No.5936 of 2023****ORDER:**

The present writ petition is filed seeking the following relief:

“....to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the official Respondents in not considering the petitioner's selection and appointment to the post of RSI (AR) under Ex-servicemen category for Zone-I against unfilled post in spite of merit and selecting me as RSI (APSP) vide RC .No.112/R&T/Rect.1/2020 dated.14.11.2022 and consequential proceedings dated. 10.11.2022 appointing the 4th respondent as RSI (AR), as illegal, arbitrary, discrimination and violates Articles 14, 16, 19 and 21 of the Constitution of India and contrary to the law laid down by the courts in spite of the fact that there was vacancy available due to non-attendance of the meritorious candidate above the petitioner at the time of counseling and set aside the same and consequently direct the official respondents to consider the case of the petitioner for selection and appointment to the post of RSI (AR) for Zone-I under Ex-servicemen category with all consequential and monetary benefits like seniority, salary etc.,....”

2. Heard Sri M.Vijaya Kumar, learned Senior Counsel representing Sri P.Kameswara Rao, learned counsel appearing for the petitioner and learned Government Pleader appearing for respondent Nos.1 to 3. Despite notice being served on the 4th respondent, none entered appearance on his behalf.

3. The petitioner, being an ex-serviceman, filed an application pursuant to the notification dated 01.11.2018 for recruitment to the post of SCT SI of Police (Civil), SCT RSI of Police (AR) and SCT RSI of Police (APSP) in Police Department. All these posts are zonal category posts. The petitioner intends to join Zone-I post of SCT RSI (AR) which is given post code No.12. 75 vacancies for Zone-IV were notified. In respect of post code No.12, final selection would be based on the relative merit as against 300 marks which include written and physical efficiency. The petitioner got 137.5 marks. One Ganeswara Rao Bezawada got 146 marks with rank No.1758 and issued appointment to the post of RSI (AR) and two candidates, namely, Animi Ramakrishna, who got 144 marks with rank No.2153, and Yogeswara Rao Nambari, who got 140 marks with rank No.3020, were selected as RSI (APSP) and the petitioner being the 4th candidate.

4. When Ganeswara Rao Bezawada, who was selected as RSI (AR), subsequently submitted his unwillingness, the 2nd and 3rd candidates had already been appointed and accommodated as RSI (APSP). In the said circumstances, the petitioner, being the 4th candidate, alone is eligible to be considered for appointment to the post of resultant vacancy of RSI (AR). As the respondent authorities were not inclined to consider the candidature of the petitioner, he approached this Court by filing W.P.No.15131 of 2019 with a prayer to consider his case for selection and appointment to the post of RSI (AR) under ex-servicemen category for Zone-I against the resultant vacancy. The said writ petition was disposed of directing the respondent authorities to issue appointment letter to the petitioner for the said post. Aggrieved by the said orders, the respondent authorities preferred a writ appeal, which was numbered as W.A.No.59 of 2021. The said writ appeal was disposed of with the following observations:

“The present is again a case where the other candidate was not offered any appointment for the said post as he had already joined in some other post. The learned single Judge, therefore, rightly concluded that G.O.Ms.No.544 dated 04.12.1998 has no application, as

the same applies to fallout vacancies which arose due to relinquishment and non-joining, which is not the case here. The present writ appeal also involves the issue which has been already dealt with while deciding W. A.Nos.486, 490 and 549 of 2022 as above. However, the learned single Judge directed the respondents to issue appointment letter to the writ petitioner, which, in our opinion, may not be appropriate for the reason that the learned single Judge had no occasion to examine as to whether the writ petitioner is the next meritorious candidate or not. In the circumstances, we substitute the operative portion of the order dated 25.02.2020 passed by the learned single Judge in W.P.No.15131 of 2019, by directing the appellants (respondents in the writ petition) herein to consider the case of the writ petitioner for issuance of appointment order for the post of RSI (AR) in ex-servicemen category in Zone-I, if he is found to be next meritorious candidate in the category, by placing him in the provisional selection list and call him for counseling and compliance of other formalities, if he becomes approved/selected candidate in the vacancies available due to non-attendance of the meritorious candidates above him in the counseling.”

5. Due to non-implementation of the above said directions, the petitioner initiated contempt proceedings. In compliance with the contempt case, the respondent authorities passed orders on 14.11.2022, wherein, while denying the post of RSI (AR), they considered the case of the petitioner and appointed him as RSI

(APSP). Aggrieved by the said action, the present writ petition is filed.

6. Learned Senior Counsel appearing on behalf of the petitioner submitted that under the ex-servicemen category, four candidates have participated and admittedly, the first candidate was selected as RSI (AR), while the 2nd and 3rd candidates in the order of merit were already appointed as RSI (APSP). After the first candidate expressed his unwillingness, the 2nd and 3rd candidates did not make any request for consideration of their candidature for the post of RSI (AR). Only the petitioner made a claim and when the said claim was not considered, he approached this Court by filing W.P.No.15131 of 2019. In the said circumstances, the respondents ought to have considered the petitioner's case in the resultant vacancy, instead of considering the case of the unofficial respondent, who had no claim and only to deny the request of the petitioner, the respondent authorities appointed the unofficial respondent in the resultant vacancy, while the petitioner was accommodated as RSI (APSP). The said action is not only contrary to the records but also contrary to the observations made by this Court in

W.P.No.15131 of 2019 only to deny the benefit in view of contempt filed by the petitioner.

7. In reply to the said contentions, learned Government Pleader appearing on behalf of the respondent authorities submitted that the respondent authorities have fully complied with the orders of the Division Bench. In fact, while disposing of the appeal filed by the State, the Division Bench has categorically directed the respondent authorities to issue appointment order to the petitioner for the post of RSI (AR) in ex-servicemen category in Zone-I, if he is found to be next meritorious candidate in the category. According to the chart filed in the counter, Ganeswara Rao, who got 146 marks, is the first candidate and was offered the post of RSI (AR). Based on the vacancy position, the next meritorious candidates, namely, Ramakrishna and Yogeswara Rao, who got 144 and 140 marks respectively, were accommodated in RSI (APSP). The 4th meritorious candidate is the petitioner who got 137.5 marks. In the said circumstances, as directed by the Division Bench, the respondent authorities have considered the case of the next meritorious candidate, Animi Ramakrishna, to the post of RSI (AR). Once he accepted and joined the said post, the resultant vacancy fell to the next

candidate i.e., the petitioner herein. Accordingly, the respondent authorities have considered his case and issued appointment to the post of RSI (APSP), which is in accordance with the directions issued by the Division Bench of this Court.

8. Reply to the same, learned Senior Counsel contended that the action of the respondents is only to circumvent the request of the petitioner. When no request was made by the unofficial respondent with regard to the post of RSI (AR), the respondent authorities should have considered the case of the petitioner instead of offering the said post to the unofficial respondent.

9. Considering the submissions and on perusal of the record, though there is some force in the contentions raised by the learned Senior Counsel, the fact remains that the respondent authorities have considered the observations made by the Division Bench of this Court and accordingly, they have offered the post of RSI (AR) to the next meritorious candidate. If the said person declined, then the chance of the petitioner would arise. When the unofficial respondent, who was the next meritorious candidate, accepted the offer, the respondent authorities have no option except to consider his case for the said post. There are no

merits in the writ petition. Hence, this Court is not inclined to entertain the writ petition.

10. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE D.RAMESH

Date: 12.02.2026
lvd

THE HONOURABLE SRI JUSTICE D.RAMESH

WRIT PETITION No.5936 of 2023

Dated: 12.02.2026

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